

## 1 UNITED STATES DISTRICT COURT

## 2 DISTRICT OF NEVADA

3 PERRY BRIAN OSHIRO,

Case No. 2:23-cv-01867-JAD-MDC

4 Plaintiff

ORDER

5 v.

6 CLARK COUNTY DETENTION CENTER,

7 Defendant

## 8

## I. DISCUSSION

10 On November 17, 2023, the Court directed Plaintiff to file a complete application  
 11 to proceed *in forma pauperis* or pay the \$402 filing fee. (ECF No. 6). In response, Plaintiff  
 12 filed an incomplete application to proceed *in forma pauperis*. (ECF No. 8). Plaintiff's  
 13 application to proceed *in forma pauperis* is incomplete because it does not include a copy  
 14 of **Plaintiff's prison or jail trust fund account statement for the previous six-month**  
 15 **period.** (*Id.*).

16 The United States District Court for the District of Nevada must collect filing fees  
 17 from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights  
 18 action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28  
 19 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply  
 20 to the court for leave to proceed *in forma pauperis.*" Nev. Loc. R. Prac. LSR 1-1. For an  
 21 inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the  
 22 following documents to the Court: (1) a completed **Application to Proceed *in Forma***  
 23 **Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly  
 24 signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is  
 25 page 4 of the Court's approved form, that is properly signed by both the inmate and a  
 26 prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**  
 27 **statement for the previous six-month period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev.  
 28 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her

1 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.  
2 See 28 U.S.C. § 1915(b).

3 As explained above, Plaintiff's application to proceed *in forma pauperis* is  
4 incomplete. The Court will grant Plaintiff an extension of time to either pay the filing fee  
5 or file a complete application to proceed *in forma pauperis*, including a financial certificate  
6 by **March 15, 2024**.

7 **II. CONCLUSION**

8 For the foregoing reasons, it is ordered that the Clerk of the Court will send Plaintiff  
9 the approved form application to proceed *in forma pauperis* by an inmate, as well as the  
10 document entitled information and instructions for filing an *in forma pauperis* application.

11 It is further ordered that Plaintiff has **until March 15, 2024**, to either pay the full  
12 \$402 filing fee or file a complete application to proceed *in forma pauperis*, including a  
13 financial certificate.

14 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
15 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
16 to refile the case with the Court, under a new case number, when Plaintiff can file a  
17 complete application to proceed *in forma pauperis* or pay the required filing fee.

18

19 DATED THIS 13th day of February 2024.

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21   
22 Maximiliano D. Couvillier III  
23 UNITED STATES MAGISTRATE JUDGE  
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